

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
)
v.)
)
JOHN J. DIAMONT, JR.,) CRIMINAL NO. 05-10154-MLW
)
)
Defendant.)
)

**DEFENDANT'S MOTION TO SEAL HIS SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF HIS MOTION *IN LIMINE* TO EXCLUDE
DISPUTED INVOICES AND DISPUTED CHECKS**

Defendant John Diamont moves, pursuant to Local Rule 7.2, for leave of Court to file under seal Defendant's Supplemental Memorandum in Support of His Motion *In Limine* to Exclude Disputed Invoices and Disputed Checks. Diamont believes it is appropriate to file this Supplemental Memorandum under seal for all of the same reasons it was appropriate to file his original Memorandum in support of his Motion *In Limine* under seal, as stated in Defendant's Motion to File Documents Under Seal and *Ex Parte* (doc. #69).¹ Diamont has served a copy of his Supplemental Memorandum on the government but believes the Supplemental Memorandum should be withheld from the public record. As with the original Memorandum, Diamont seeks leave to file the Supplemental Memorandum under seal only until the conclusion of any testimony concerning the admissibility of the Disputed Invoices and Disputed Checks.

WHEREFORE, the defendant requests that the Court permit him to file the Supplemental Memorandum under seal. The defendant further requests that the Supplemental Memorandum

¹ Diamont incorporates herein Defendant's Motion to File Documents Under Seal and *Ex Parte* (doc. #69).

be maintained under seal until after all evidence on Defendant's Motion *In Limine* has been presented.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
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Dated: August 4, 2006

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. The government objects to this Motion.

/s/ Lauren M. Papenhausen

CERTIFICATE OF SERVICE

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 4, 2006.

/s/ Lauren M. Papenhausen